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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,948	08/21/2001	Antonio Hinojosa	60990065-2	5880

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EXAMINER	
MATHEWS, ALAN A	
ART UNIT	PAPER NUMBER
2851	

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/932,948

Applicant(s)

HINOJOSA ET AL.

Examiner

Alan A. Mathews

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Priority Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The copy of the PTO-1449 filed August 21, 2001, which was initialed (by a different Examiner) and mailed to Applicant on November 17, 2003, inadvertently left off an initial next to the reference "Search Report for Corresponding European Patent Application No. 00118448.0". The newly assigned Examiner is providing a new copy of the PTO-1449 filed August 21, 2001, with all the references initialed and considered again.

Claim Objections

2. Claims 16-20 are objected to because of the following informalities: In claim 16, line 2, there is no proper antecedent basis in the claim for "the vacuum chambers". In claim 17, line 6, there is no proper antecedent basis in the claim for "said preliminary step". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 6 – 9 and 17- 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 6 and 7, line 2, "a plurality of chambers" has not

been correlated with "a plurality of vacuum chambers" recited in claim 1. Are they the same chambers? With respect to claim 17, "omitting said dividing wall arranging step ----said preliminary step" is indefinite. Eliminating or removing steps previously recited is confusing, since it is not clear what is being claimed and not claimed. Furthermore, it is not clear what is meant by "said preliminary step". In claim 18, lines 4-6, "omitting said chamber-separating dividing wall ---end wall" is indefinite for similar reasons. Eliminating or removing structure from a mechanically manipulative step creates confusing as to what is being claimed and not claimed. Similarly, in claim 19, lines 4-6, "omitting said chamber-separating dividing wall ---said end region dividing wall" is indefinite for similar reasons.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 5 - 21 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Rapp et al. (U. S. Patent No. 4,175,857). Figure 2 and column 3, line 64, disclose platen 3. Figure 1 and column 4, lines 45-67, and column 5, lines 1-37, disclose a plurality of vacuum chambers which are designated I-A, I-B, II-A, and II-B and which comprise a first component. Element 16 is the media. Figure 2 discloses a hollow vacuum conduit 20 (which is a second component) connected to the vacuum chambers via pipes 10 and 11. Element 13 is a vacuum source. With respect to claims 5 - 7, elements 2c and partitions 4, 5, 5a, and 6 form walls. With respect to claims 8 and 9, figure 2 discloses plural openings 8 and 9. It is noted that claims 8 and 9 have not specified any specific number, size, and pattern arrangement of the openings. With respect to claims 16-20, column 4, lines 45-67 and column 5, lines 1-33, disclose arrangement of walls 2c, 4, 5, 5a, and 6 for different size sheets (media). Column 3, lines 29-35, column 6, lines 30-67, column 7, lines 1-29, and column 8, line 7, disclose pressure differentials. With respect to claims 13, 21 and 24, figure 1 discloses a different number of openings 8 and 9 for the different chambers. With respect to claims 14 and 15, pressures q and r could be extremely close to pressure P and still satisfy the relationship that q is smaller than P and that r lies between q and P. It is also noted that claims 17-19 are indefinite as stated above.

6. Claims 14 - 19, 21, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Juan et al. (U. S. Patent No. 6,367,999, which is the U.S. equivalent to EP 0 997 308 cited on the PTO-1449). Figures 4 and 6-9 disclose a platen (plate) 400. A plurality of vacuum chambers 382 and 383 apply negative pressure to media 130. Figure 7 discloses a hollow conduit 381. Element 700 is a vacuum source. With respect to claims 14 and 15, column 6, lines 1-26,

discloses the differences in pressure. With respect to claims 21 and 24, figure 10 discloses four vacuum chambers 690, 691, 692, and 693 and also shows where the pattern of openings 660 is different in the different chambers (some openings 660 are on the bottom and some openings are on the side).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

7. Claims 1, 7, 11, 12, 23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Mindek et al. (U. S. Patent No. 6,322,265). Mindek et al. discloses in figures 7 and 8 and column 13, lines 45-67, and column 14, a platen 14. The dotted lines in figure 7 indicate plenums (e.g. 180) below the platen (see column 14, lines 31-45). The plenums are vacuum chambers forming the first component. Elements 186 and 188 are the hollow vacuum conduits forming the second component. Element 210 in figure 8 is the vacuum source.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rapp et al as applied to claim 1 above, and further in view of Beechler et al. (U. S. Patent No. 6,328,491). Rapp et al. discloses the invention except for specifically disclosing that the first component is a different material from the second component. Beechler et al. discloses that a variety of materials can be used to construct a first and second component, including the production of a first component using plastic, and the production of a second component using metal (column 6, lines 5-14). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the first and second component of different materials including plastic and sheet metal in view of Beechler et al. for the purpose of ease of construction and use of cheaper parts when acceptable.

10. Claims 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rapp et al. (U. S. Patent No. 4,175,857) as applied to claims 1 and 21 above, and further in view of either Watton et al. (U. S. Patent No. 6,336,722) or Teumer et al. (U. S. Patent No. 6,179,285, which is equivalent to EP 1 022 147 A2). Rapp et al. discloses platen holes (ports) 15. Thus, Rapp et al.

discloses the invention except for disclosing that some of the platen holes have a cross-section which is asymmetrical. Watton et al. '722 discloses in figure 6 a platen 142 including holes (ports 144) with asymmetrical cross-sections for permitting the object held against the platen with negative pressure to slide more freely against the platen (see column 8, lines 38-45). Teumer et al. discloses in figure 1 and column 4, lines 31-41, a platen 112 and vacuum grooves 116 which are asymmetrical. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide Rapp et al. with platen holes that are asymmetrical in view of either Watton et al. '722 or Teumer et al., for the purpose of permitting the object held against the platen with negative pressure to slide more freely against the platen.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Denda is cited to show the U.S. equivalent to EP 0 409 596.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (571) 272-2123. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (571) 272-2112. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan A. Mathews
Primary Examiner
Art Unit 2851

AAM